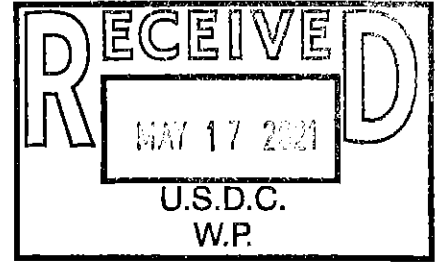


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
ROSANNA CURCIO,  
Plaintiff,

**COMPLAINT**

vs.

COUNTY OF PUTNAM JUDGE  
VICTOR GROSSMAN, DONNA E.  
ABRAMS, LAURA ROBERTS

Defendants.  
-----X

Plaintiff complains of defendants as follows:

**INTRODUCTION**

1. On September 1, 2002, plaintiff married Scott Curcio. We have two wonderful children, Salvatore Curcio, born April 10, 2005 and Angelica Curcio, born February 4, 2008. Plaintiff was the primary caretaker until the matrimonial action commenced.

During our divorce and custody trial in Putnam County Supreme Court in August 2015, Mr. Curcio was being represented by Elisabeth Hudak and Laura Roberts. The court appointed Donna E. Abrams, Attorney for the child to represent our two children.

Defendants set in motion a unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact and has unfairly hampered the presentation of plaintiff's claim.

Plaintiff and her two children suffered profound and lasting injuries by dint of her false arrest, fraud upon the court, denial of due process, malicious prosecution, discrimination, retaliation, and the abuse of process defendants demonstrated.

### **PARTIES**

2. Plaintiff Rosanna Curcio who resides within this judicial district, brings this suit pursuant to title 42 U.S. Code Secs 1983 for violations of my First, Fifth, Eighth, and Fourteenth Amendments of the Federal Constitution.

3. Defendant Judge Victor Grossman is the Supreme Court Judge of Putnam County, resides within this judicial district, as he has at all relevant times, and is sued in his individual capacity for violating Plaintiff's constitutional rights. Defendant County of Putnam is a municipal corporation which may sue and be sued, as here, for the unconstitutional policies and practices implemented by final policy makers like defendant Grossman. The County is within this judicial district.

4. Defendant Donna E. Abrams served as a court appointed attorney for the child and assigned to represent our two children in this matter. She is employed by Harold, Salant, Strassfield and Spielberg, and is also a member of the assigned counsel panel, is being sued in her individual capacity for violating Plaintiff's constitutional rights, Fraud Upon the Court, Malicious Prosecution.

5. Defendant Laura Roberts was a part time Assistant District Attorney in and for the county of Putnam and also represented Mr. Curcio in our divorce and custody proceedings during the year of 2013 and 2017. She is sued in her individual capacity for violating Plaintiff's Constitutional rights, Abuse of process, Malicious Prosecution, Fraud Upon the Court.

## **JURISDICTION**

6. As Plaintiff alleges that, while acting under color of state law, each defendant violated her constitutional rights, this Honorable Court has jurisdiction pursuant to 28 U.S.C. sections 1331, 1343 (3) & (4) and 42 U.S.C. secs 1983 and 1988.

## **STATEMENT OF FACTS**

7. After a custody trial that ended in August 2015, Mr. Curcio and Plaintiff were “summoned” to court for an emergency conference purportedly requested by Donna E. Abrams, Attorney for the child on September 22, 2015. There was a back room conference that did not involve the parties. Apparently, allegations were made that the Plaintiff was interrogating our children.

8. The court believed the false allegations and removed our children from the house they were both born and raised in and put them in Mr. Curcio’s girlfriend’s house, who is now Mr. Curcio’s wife.

9. The Plaintiff did not have the opportunity to respond to the allegations. Without a hearing or any due process whatsoever, the schedule was modified, which forced Judge Victor Grossman to give Mr. Curcio custody of our children. The Plaintiff was deprived of liberty, and the procedures used by the government to remedy the deprivation, were constitutionally inadequate.

10. Judge Grossman’s decision and order dated November 25<sup>th</sup>, 2015, stated that the court is far from convinced that Mr. Curcio is a better parent. There is rigidity in his demeanor that does not accept challenge, and it’s only a matter of time until Sal, our son as an adolescent, starts challenging him, as adolescents often do. His dismissive attitude towards Plaintiff is contrary to the best interest of his children, as it suggests an unwillingness and an inability to promote a relationship between the children and their mother. The court has doubts about his ability to meet the children’s needs.

11. Judge Grossman also stated that Mr. Curcio’s parental bullying will create a risk of future psychological damage to our children.

12. Unfortunately, Donna E. Abrams, Attorney for the child, misquoted Dr. Joanne Rubin’s report to the court, and misrepresented our children.

13. Dr. Rubin indicated that Ms. Abrams overstepped her abilities to psychologically diagnose either parent. If Donna Abrams addressed these issues to the court, eight years ago, Mr. Curcio would've got the help he needed and would have no problem co-parenting with the Plaintiff.

14. Ms. Abrams deflected Mr. Curcio's anger management issue, and continued to make baseless and untrue allegations about Plaintiff to the court.

15. Plaintiff filed a motion on October 26, 2015 to have Ms. Abrams removed from this matter, which was denied.

16. On July 25, 2016 both Donna E. Abrams and Laura Roberts abused their position and authority and had Plaintiff falsely arrested which prevented our children and their mother from going to Italy that summer.

17. Plaintiff did not know that Laura Roberts was also a part-time Assistant District Attorney in Putnam County at the time of Plaintiff's arrest. It was Laura Roberts obligation to bring this fact to the Judge's attention. This was done purposely only to gain an undue advantage in our custody case.

18. She had criminal charges filed against the plaintiff in order to harass her and cause the Plaintiff and her children harm and not because the Plaintiff violated the law. Laura Roberts abused her position and authority to manipulate a serious situation that put the Plaintiff's reputation on the line. Which has negatively impacted the Plaintiff and her family.

19. Despite never being convicted of any crime, Laura Roberts and Ms. Abrams continued to use this to the Plaintiff's detriment.

20. After making a complaint with the Putnam County District Attorney's Office, Ms. Roberts was fired from her position.

21. During a parental alienation trial in April 2018, our children were coached by Mr. Curcio's wife that Plaintiff touched her children inappropriately.

22. Although, CPS investigated and did not find believable information to prove that Plaintiff abused or mistreated her children, the court dismissed the parental alienation trial and instead issued Plaintiff a two year order of protection.

23. To add insult to injury, Donna E. Abrams Attorney for the child, forced our thirteen year-old son to falsely testify against his own mother.

24. The Order of Protection was dismissed on August 28, 2020.

25. On September 8, 2020, Plaintiff filed an Order to Show Cause in Putnam County Supreme Court, which Judge Grossman signed that day, because of Mr. Curcio's failure to comply with the court's custody and visitation order.

26. On September 16, 2020, Donna E. Abrams Attorney for the child, emailed Judge Grossman on Mr. Curcio's behalf to request a continuance to submit Mr. Curcio's opposition papers, which Plaintiff was not included in the email.

27. Judge Grossman was aware of Donna E. Abrams Attorney for the Child professional misconduct, conflict of interest, fraud upon the court, malicious prosecution and should have disqualified her.

28. Instead, Judge Grossman retaliated and discriminated against the Plaintiff and re-appointed Ms. Abrams to represent our children. This example of "appearance of partiality" and "abuse of process" disqualified the Judge.

29. Judge Grossman knowingly ignored the fact that he lost jurisdiction and continued on this case. By ignoring guidelines as set by law, Judge Grossman acted entirely without jurisdiction over this matter on March 8, 2021.

30. The Defendants' acts have significantly altered the delivery of justice and fairness in our custody case.

31. Withholding a child and denying them from someone they love is equivalent to a death. Our children were robbed of their mother's love for several years.

32. Unfortunately, years that we can never get back, Plaintiff missed out on watching our children grow up.

33. Our grief is intense, the pain is unbearable. Parental alienation is child abuse. The traumatic events that our family have endured at the hands of the Defendants is indefensible and incomprehensible.

34. As a consequence of Defendants' wrongful conduct, Plaintiff suffered loss of time with her children, severe emotional distress, loss of wages, profound humiliation.

**CAUSES OF ACTION**

35. Defendants engaged in Fraud Upon the Court, Abuse of process, contrary to the due process clause of the Fourteenth Amendment as made actionable against them by 42 U.S.C. section 1983.

36. By falsely arresting Plaintiff, though they knew they lacked probable cause, Defendants all violated her right to due process of law in violation of the Fourteenth Amendment as made actionable against them by 42 U.S.C. section 1983.

37. By intentionally denying Plaintiff a fair trial by manufacturing false evidence and withholding excusatory evidence, Defendants violated Plaintiff's right as protected by the due process clause of the Fourteenth Amendment as made actionable against them by 42 U.S.C. section 1983.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that Defendants be ordered to pay to Plaintiff the sum of 17,000,000 in compensatory damages and 35,000,000 in punitive damages as well as her reasonably incurred attorney fees and costs.

Respectfully submitted,

  
Rosanna Curcio

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